S.B. Civil Misc. Appeal No.575/2006

Rauram.
vs.
Mst. Meera and others.

Date : 22.11.2006

HON'BLE MR. PRAKASH TATIA, J.

Mr. AK Singh, for the appellant.

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Heard learned counsel for the appellant.

The plaintiff/appellant has filed suit for specific performance of contract wherein he sought relief of injunction against the respondents praying that the compensation which has been determined by the Government because of damages caused to the land on account of laying down Land Mines in the land in question, may not be given to the respondents.

The trial court after considering the facts of the case observed that their appears to be prima-facie case in favour of the plaintiff/appellant but since the appellant failed to prove any irreparable injury and balance of convenience in his favour, therefore, he is not entitled to grant of any injunction in his favour.

It appears from the facts of the case that the

appellant sought the relief of injunction of not issuing cheque in favour of the respondents for the fixed amount by the Government and in view of the above, I do not find that any case is made out of irreparable injury particularly in the facts of the present case, therefore, the trial court rightly dismissed the injunction application.

Accordingly, this appeal, having no merit, is hereby dismissed.

(PRAKASH TATIA), J.

S.Phophaliya